

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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FREEDOM FROM RELIGION  
FOUNDATION, INC., ANNE NICOL  
GAYLOR, ANNIE LAURIE GAYLOR,  
PAUL GAYLOR, DAN BARKER,  
PHYLLIS ROSE, and JILL DEAN,

Plaintiffs,

v.

PRESIDENT GEORGE W. BUSH,  
WHITE HOUSE PRESS SECRETARY  
DANA PERINO, WISCONSIN GOVERNOR  
JIM DOYLE, and SHIRLEY DOBSON,  
CHAIRMAN OF THE NATIONAL DAY  
OF PRAYER TASK FORCE,

Defendants.

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Case No. 08-CV-588

**FEDERAL DEFENDANTS' MOTION TO DISMISS**

Defendants President George W. Bush and White House Press Secretary Dana Perino (collectively "Federal Defendants"), by undersigned counsel, hereby move to dismiss this action pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Dismissal is appropriate pursuant to Rule 12(b)(1) because plaintiffs lack standing and because plaintiffs' claims regarding presidential prayer proclamations present insurmountable justiciability problems. Dismissal is appropriate pursuant to Rule 12(b)(6) because plaintiffs have failed to state a claim upon which relief can be granted. The grounds for this motion are set forth at length in the Federal Defendants' memorandum of law being filed herewith.

Pursuant to this court's Briefing Guidelines, and due to the complexity of issues raised by plaintiffs' Complaint and this motion to dismiss (including substantial standing, justiciability,

and separation of powers concerns), counsel for the Federal Defendants is available for oral argument, should the Court determine that such an argument would be helpful.

Dated: January 12, 2009

Respectfully submitted,

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Assistant Attorney General

JAMES GILLIGAN  
Assistant Branch Director

/s/ Brad P. Rosenberg  
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COUNSEL FOR DEFENDANTS  
PRESIDENT GEORGE W. BUSH AND  
WHITE HOUSE PRESS SECRETARY  
DANA PERINO

**CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2009, I electronically filed a copy of the Federal Defendants' Motion to Dismiss using the ECF System for the Western District of Wisconsin, which will send notification of that filing to all counsel of record in this litigation.

/s/ Brad P. Rosenberg

Brad P. Rosenberg